

UNITED STATES DISTRICT COURT

for the  
Eastern District of North Carolina  
Wilmington

United States of America,  
*Plaintiff*

vs.

Charles Pittman,  
*Defendant*

)  
) **CASE NO. 5:20-CR-305M**  
)  
)  
)  
)

---


**DEFENDANT'S MOTION TO DISMISS  
COUNT ONE OF THE INDICTMENT**

***TO: THE HONORABLE UNITED STATES DISTRICT JUDGE  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA,  
WILMINGTON DIVISION***

DEFENDANT, Charles Pittman, COMES NOW and files this Motion to Dismiss, pursuant to Rules 12 (b)(2) and 12 (b)(3) of the Federal Rules of Criminal Procedure, respectfully requesting this Court to dismiss Count One of the superseding indictment and criminal information because it fails state a claim that confers subject-matter jurisdiction on this Court. The fatal defect is more fully set forth in the supporting Memorandum filed contemporaneously with this Motion.

Respectfully submitted this the 31<sup>st</sup> day of December, 2021.

Counsel for the Defendant



Heather L. Rattelade, Bar No. 38698  
Rattelade Law  
708 Rush Rd.  
Fayetteville NC 28305  
E-mail: heatherrattelade@gmail.com

Ph: 910.489.5569

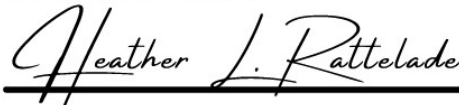
CERTIFICATE OF SERVICE

This is to certify that I have this the 31<sup>st</sup> day of December 2021, served a copy of the foregoing document upon counsel in this action by electronically filing the foregoing with the Clerk of Court, using the CM/ECF system which will send notification of such filing to:

J.D. KOESTERS  
Assistant United States Attorney  
United States Attorney's Office Attorney 150 Fayetteville  
Street, Suite 2100  
Raleigh, NC 27601  
Telephone: (919) 856-4845  
NC Bar No. 41372

Respectfully submitted this the 31<sup>st</sup> day of December, 2021.

Counsel for the Defendant

A handwritten signature in cursive script, reading "Heather L. Rattelade", is written over a solid black horizontal line.

Heather L. Rattelade, Bar No. 38698  
Rattelade Law  
708 Rush Rd.  
Fayetteville NC 28305  
E-mail: heatherrattelade@gmail.com  
Ph: 910.489.5569